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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/284,244 04/14/99 TOMIDA

Y P7314-9005

EXAMINER

WM02/0228

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PIZZALI, J.

ART UNIT

PAPER NUMBER

2673

DATE MAILED:

02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

CH

Office Action Summary

Application

09/284,244

Applicant(s)

TOMIDA ET AL.

Examiner

Jeff Piziali

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 24-26 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Claim Objections

2. Claim 2 is objected to because of the following informalities: an unnecessary page break separates line 15 from would-be line 16. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Kimura et al. (5,752,176).

Regarding claim 1, Kimura et al. discloses a method of processing data in an FM subcarrier data broadcasting receiver [Fig. 7] (Column 4, Lines 57-59), wherein in displaying data constituting a reconstructed program, coded data is decoded [Fig. 7; 32, 34 and 36] according to a coding system corresponding to the coded data (Column 5, Lines 22-30), and an

intermediate code which can be decoded (Column 4, Lines 65-67) even if specifications peculiar to FM subcarrier data broadcasting are not understood is generated (Column 5, Lines 43-52), to perform display [Fig. 7; 44] control processing after the intermediate code is decoded (Column 5, Lines 53-56).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (5,752,176) in view of applicants' own admission of background art.

Regarding claims 2, 4, 7 and 9, Kimura et al. discloses an intermediate code corresponding to a character (Column 1, Lines 30-39). Kimura et al. does not expressly disclose character attributes such as size and position.

However, the background art of the current application discloses character resizing, underlining, inversion and positioning (Fig. 26; Page 3, Lines 6-17). Kimura et al. and applicants' submitted background art are analogous art because they are both from the field of processing data in an FM subcarrier data broadcasting receiver.

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize the background art's character attributes as Kimura's character information to suitably adjust a character for display.

Regarding claims 3 and 8, Kimura et al. discloses an intermediate code corresponding to a figure (Column 1, Lines 30-39). Kimura et al. does not expressly disclose figure attributes such as size and position.

However, the background art of the current application discloses image resizing, underlining, inversion and positioning (Fig. 26; Page 3, Lines 6-17). Kimura et al. and applicants' submitted background art are analogous art because they are both from the field of processing data in an FM subcarrier data broadcasting receiver.

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize the background art's image attributes as Kimura's figure information to suitably adjust a figure for display.

Regarding claims 5 and 10, Kimura et al. discloses an intermediate code corresponding to a figure (Column 1, Lines 30-39). Kimura et al. does not expressly disclose drawing dots, lines, rectangles, polygons and circles.

However, dots, lines, rectangles, polygons and circles were common types of figures at the time of invention.

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to utilize such above geometric figures as Kimura's figure information to provide a commonplace figure for display.

Regarding claim 6, Kimura et al. discloses sensing the presence or absence of an attribute of character/graphic data so as to determine the appropriate type of character/graphic data to generate.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nezu (5,014,350), Hoff (5,467,197), English et al. (5,745,777), Hiramatsu (5,778,031), Kimura et al. (5,835,499) and Kimura et al. (5,960,328) are cited as references from the field of processing data in an FM subcarrier data broadcasting receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (703) 305-8382. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


J.P.

February 26, 2001



**BIPIN SHALWALA
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